

## 21 C.J.S. Courts § 44

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### Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

## II. Jurisdiction of Courts

### D. Jurisdiction of Person

#### 1. General Considerations

### § 44. Nature, necessity, and effect of personal jurisdiction

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#### West's Key Number Digest

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**Jurisdiction of the person is the power of a court to bring before it the person to be affected by the judgment and to render a judgment binding on that person.**

The power of a court to decide a case as a jurisdictional matter requires the court to have personal jurisdiction over the person or party,<sup>1</sup> as well as subject matter jurisdiction over the controversy.<sup>2</sup> Personal jurisdiction involves a court's power to make an adjudication applicable to a person,<sup>3</sup> contrary to that person's legal interests,<sup>4</sup> and binding the particular person.<sup>5</sup> A court's personal jurisdiction refers to its power to impose judgment on a particular person.<sup>6</sup> A judgment rendered by a court lacking personal jurisdiction is void.<sup>7</sup>

The exercise of personal jurisdiction is limited by federal constitutional law<sup>8</sup> as a restriction on judicial power as a matter of individual liberty.<sup>9</sup>

Personal jurisdiction comprises two distinct components: amenability to jurisdiction and service of process.<sup>10</sup>

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## Footnotes

- 1 U.S.—*J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873, 131 S. Ct. 2780, 180 L. Ed. 2d 765 (2011).  
Ind.—*Boyer v. Smith*, 42 N.E.3d 505 (Ind. 2015).  
Neb.—*State v. Planck*, 289 Neb. 510, 856 N.W.2d 112 (2014).  
Tenn.—*Turner v. Turner*, 473 S.W.3d 257 (Tenn. 2015).  
Wyo.—*Crofts v. State ex rel. Dept. of Game and Fish*, 2016 WY 4, 367 P.3d 619 (Wyo. 2016).
- 2 § 18.
- 3 Idaho—*State v. Garcia*, 159 Idaho 6, 355 P.3d 635 (2015).  
Ind.—*Marion County Auditor v. State*, 33 N.E.3d 398 (Ind. Tax Ct. 2015).  
Ill.—*People v. Castleberry*, 2015 IL 116916, 398 Ill. Dec. 22, 43 N.E.3d 932 (Ill. 2015).  
Utah—*Salt Lake City Corp. v. Jordan River Restoration Network*, 2012 UT 84, 299 P.3d 990 (Utah 2012).
- 4 Ohio—*Lake Ski I-80, Inc. v. Habowski*, 2015-Ohio-5535, 2015 WL 9594789 (Ohio Ct. App. 11th Dist. Trumbull County 2015).
- 5 Neb.—*RFD-TV, LLC v. WildOpenWest Finance, LLC*, 288 Neb. 318, 849 N.W.2d 107 (2014).  
Okla.—*Guffey v. Ostonakulov*, 2014 OK 6, 321 P.3d 971 (Okla. 2014).  
Tex.—*TV Azteca v. Ruiz*, 44 Media L. Rep. (BNA) 1443, 2016 WL 766927 (Tex. 2016).
- 6 Ind.—*Boyer v. Smith*, 42 N.E.3d 505 (Ind. 2015).  
Okla.—*Burggraf Services, Inc. v. H2O Solutions*, 2014 OK CIV APP 88, 369 P.3d 52 (Div. 3 2014).
- 7 § 104.
- 8 U.S.—*Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 131 S. Ct. 2846, 180 L. Ed. 2d 796 (2011); *Martinez v. Aero Caribbean*, 764 F.3d 1062 (9th Cir. 2014), cert. denied, 135 S. Ct. 2310, 191 L. Ed. 2d 978 (2015).  
Ark.—*Beason v. Parks*, 2015 Ark. App. 246, 459 S.W.3d 841 (2015).  
Cal.—*Young v. Daimler AG*, 228 Cal. App. 4th 855, 175 Cal. Rptr. 3d 811 (1st Dist. 2014).  
Mo.—*KNT Management, LLC v. Flenoid*, 419 S.W.3d 897 (Mo. Ct. App. E.D. 2014).  
Neb.—*RFD-TV, LLC v. WildOpenWest Finance, LLC*, 288 Neb. 318, 849 N.W.2d 107 (2014).

As to minimum contacts required for personal jurisdiction within due process requirements, see § 46.

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U.S.—*J. McIntyre Machinery, Ltd. v. Nicastro*, 564 U.S. 873, 131 S. Ct. 2780, 180 L. Ed. 2d 765 (2011).

R.I.—*Sidell v. Sidell*, 18 A.3d 499 (R.I. 2011).

Tenn.—*Turner v. Turner*, 473 S.W.3d 257 (Tenn. 2015).

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Minn.—*In re Civil Commitment of Nielsen*, 863 N.W.2d 399 (Minn. Ct. App. 2015), review denied (Apr. 14, 2015).

Miss.—*Greater Fairview Missionary Baptist Church v. Hollins*, 160 So. 3d 223 (Miss. 2015).

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